

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Allan et al.  
Serial No. : 09/696,099  
Filed : October 25, 2000  
Appeal No.: 2009-1167  
Title : VALUE TRANSACTION SYSTEMS

Art Unit : 3693  
Examiner : Lalita M. Hamilton  
Conf. No. : 4131

Mail Stop Appeal Brief—Patent  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR REHEARING UNDER 37 C.F.R. §§ 41.50, 41.52**

Appellant requests rehearing with respect to the Board's November 18, 2009 Decision on Appeal (1) to clarify the claims for which the rejections are affirmed and reversed and (2) for reconsideration of the new grounds of rejection regarding claims 22-24. Each of these issues is addressed below.

(1) **Clarification of claims for which rejections are affirmed and reversed**

Appellant requests that the Board clarify its Decision with respect to which claim rejections are affirmed and which are reversed in view of what appears to be a typographical error that resulted in an inconsistency in the Decision on Appeal. In particular, the Conclusions of Law section of the Decision (page 14) summarizes the Board's conclusions as follows:

- \* The Appellant did not demonstrate that the Examiner's rejections of claims 1-6 and 14-21 were in error
- \* Appellant demonstrated that the Examiner's rejections of claims 7-13, 22-24 and 25 were in error.
- \* A new ground of rejection under 35 U.S.C. §112, par. 2, is applied for claims 22-24.

The Conclusions of Law section appears to be consistent with the findings and conclusions set forth in the Board's Decision at pages 9-13. However, in the text at the bottom of page 14

(under the heading "Decision"), there is an inconsistency with the foregoing conclusions. In particular, this section states as follows:

The decision of the Examiner to reject claims 1-24 is affirmed and to reject claims 7-13 and 22-25 is reversed. We enter a new ground of rejection on claims 22-24 under 35 U.S.C. 112, second paragraph.

(Underscoring added) It appears that the sentence "The decision of the Examiner to reject claims 1-24 is affirmed and to reject claims 7-13 and 22-25 is reversed" should read "The decision of the Examiner to reject claims 1-6 and 14-21 is affirmed and to reject claims 7-13 and 22-25 is reversed," so as to be consistent with the remainder of the Decision. Clarification (and correction of the Board's Decision, if appropriate) is respectfully requested.

(2) Reconsideration of the new grounds of rejection of claims 22-24  
under 35 U.S.C. §112, par. 2

The Board applied a new ground of rejection of claims 22-24 under 35 U.S.C. §112, par. 2. In particular, regarding these claims, the Board's Decision states (at pages 13-14) that:

[W]e do not find the corresponding structure for the claimed *means for performing value transactions*, which is part of the transaction unit in these passages or the remainder of the Specification. Therefore, we cannot construe the limitations and the claims are indefinite.

Reconsideration is requested.

Independent claim 22 recites, in part, "at least one transaction unit *including means for performing value transactions under the control of the processor . . .*" Appellant points out that, contrary to the Board's Decision, the Specification of the application as originally filed does disclose structure corresponding to the claimed "means."

For example, the Specification discloses several examples of transaction units, including a coin validator 4, a banknote validator 6, a card reader 8 and a vending machine controller 10 (page 4, line 12 – page 5, line 14). These are well-known types of transaction units whose general structure for performing value transactions is (and would have been at the time the application was filed) well known to a person of ordinary skill in the art. The Specification's disclosure of these well-known examples of transaction units provides sufficient structure to satisfy the requirements of section 112, par. 2.

Furthermore, the Specification expressly discloses further structural details of the transaction units for performing value transactions. For example, the Specification (at page 8, line 1-13) discloses that each of the transaction units 4, 6, 8, 10 includes a respective controlling module.

The Specification (*e.g.*, at page 4, lines 13-15; page 5, lines 3-5, 6 and 11-12) further discloses that each of the transaction units includes a respective interface 14 for sending and receiving signals along a bus (*e.g.*, USB 12). Such signals can include credit signals from the coin changer, banknote validator and card reader, and product selection information from the vending machine controller (page 8, lines 10-13). Likewise, the Specification discloses (at page 5, lines 11-13; page 11, lines 4-7) that the vending machine controller 10 enables the vending of products in response to signals received along bus 12. The specification (at page 3, lines 13-22) also identifies an example protocol used to facilitate the various functions carried out by the individual transaction units.

The Specification discloses further details regarding the coin and banknote validators. For example, the Specification (at page 2, lines 8-10) discloses that the coin and banknote validators include sensors, whose signals are used to determine the coin or banknote validity. Additionally, the Specification (at page 4, lines 15-16) discloses that the coin changer includes coin stores for change payout purposes.

Although not all of the foregoing structural details need be present in any particular implementation to facilitate performance of a value transaction, in view of the foregoing disclosures, Appellant submits that the Specification discloses sufficient structure corresponding to the "means for performing value transactions . . ." as recited in claim 22 to satisfy the

requirements of section 112, par. 2. Accordingly, the new rejections under 35 U.S.C. §112, par. 2, of claim 22, and dependent claims 23-24, should be withdrawn.

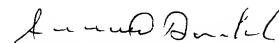
Conclusion

Appellant requests rehearing as set forth above.

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 1/14/10



Samuel Borodach  
Reg. No. 38,388

Fish & Richardson P.C.  
601 Lexington Avenue  
Floor 52  
New York, NY 10022  
Telephone: (212) 765-5070  
Facsimile: (877) 769-7945